

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 6, 1977  
10:00 A.M.

Council Chambers  
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor  
Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino

Absent: None

The Invocation was delivered by Mr. Jarold Johnson, Assistant Director of the City Vehicles and Equipment Services Department.

ALPHA DELTA KAPPA WEEK

Mayor McClellan read a proclamation designating the week of October 9, 1977, as Alpha Delta Kappa Week and called upon all citizens to join in recognizing the efforts of the sorority's members in promoting professionalism and professional recognition for teachers. MS. MARJORIE HILL accepted the proclamation in behalf of the organization.

TENNIS DAY

Mayor McClellan read a proclamation designating Sunday, October 23, 1977, as Tennis Day in Austin to encourage interest and participation in this rewarding sport. Accepting the proclamation were MR. PHIL MOSS and MR. BO BYERS, representing the Capital Area Tennis Association.

## FAMILY SEX EDUCATION WEEK

Mayor McClellan read a proclamation designating the week of October 9-15, 1977, as Family Sex Education Week in Austin and urged all civic, medical and health care professions and organizations of Austin to commemorate this week and the weeks and years to come by efforts to educate and assist the public. MR. JAN KRYDER and MR. STEVE SCHOTT accepted the proclamation.

## SCHOOL LUNCH WEEK

Mayor McClellan read a proclamation designating the week of October 9-15, 1977, as School Lunch Week in Austin and urged all citizens to take recognition of the faithful and effective work of the public school employees who are associated with this program. MS. VIVIAN BAUHOF and MS. DELIA TERCERO accepted the proclamation.

## FIRE PREVENTION WEEK

Mayor McClellan read a proclamation designating the week of October 9-15, 1977, as Fire Prevention Week in Austin and urged all citizens to practice fire safety every day of the year. Fire Marshal Jim Loflin accepted the proclamation on behalf of the Austin Fire Department and Chief Ed Kirkham.

## TEXAS NURSE WEEK

Mayor McClellan read a proclamation designating the week of October 9-15, 1977, as Texas Nurse Week in Austin and called on all residents to recognize the contributions of the men and women in this profession. MR. LARRY SIECK, President of the Texas Nurses Association, and MRS. BETTY SKAGGS accepted the proclamation.

## LEGAL SECRETARIES WEEK

Mayor McClellan read a proclamation designating the second week in October, 1977, as Legal Secretaries' Week and October 12, 1977, as Day-In-Court for Legal Secretaries. The Mayor urged all legal secretaries to avail themselves of this opportunity to learn more about their profession. MS. LINDA ADAMS, President of the Austin Legal Secretaries Association and MS. JANEAN FERGUSON, Day in Court Chair, accepted the proclamation. The Mayor and Council were invited to attend a Day in Court meeting on October 12, 1977, at the Travis County District Court.

## PARENT-TEACHER CONFERENCE PERIOD IN AUSTIN

Mayor McClellan read a proclamation designating October 3 through November 23, 1977, as Parent-Teacher Conference Period in Austin and urged all parents or guardians of children in this age group to schedule a conference session with the knowledge that it can help increase the self-confidence of the child in knowing the parent cares; and further urged and requested all employers to permit the parent time to fulfill this vital obligation. MS. OUIDA WHITESIDE, President of the Austin Association of Teachers, accepted the proclamation.

## PARENT-TEACHER ASSOCIATION MONTH

Mayor McClellan read a proclamation designating the month of October, 1977, as Parent-Teacher Association Month in Austin and urged all parents and guardians of school age children to become actively involved in their local Parent-Teacher Association and further recognize their distinction as the organization which is steadily increasing the scope and value of its efforts to serve all children. Accepting the proclamation were MRS. DELONN BOWIE, Civic and Legislation Chairman of the Austin City Council of PTA's; MRS. ADA HICKMAN, Vice-President of the Austin City Council of PTA's; and MRS. RUTH RUIZ, President of the Austin City Council of PTA's.

## APPROVAL OF MINUTES

Mayor Pro Tem Himmelblau moved that the Council approve the Minutes for September 22, 1977, and the Special Meeting of September 16, 1977. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers  
Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers  
Mullen, Snell  
Noes: None

## BOARDS AND COMMISSIONS APPOINTMENTS

Mayor McClellan stated that the Council has been meeting in Executive Session as to selection of appointments to Boards and Commissions. She indicated that the Executive Session would resume after the regular Council meeting adjourned.

Manpower Advisory Planning Council

Mayor Pro Tem Himmelblau moved that the following persons be appointed to the Manpower Advisory Planning Council for a term of one year:

Councilmember Jimmy Snell	Larry V. Locke
Councilmember Lee Cooke, Jr.	Milburn L. Locke
J. Neal Blanton	Marcel S. Rocha
Rudolph Saenz, Jr.	Marlene R. Friske
Andrea W. Beatty	Marjorie R. Ball
Claudia L. Allen	David Brown
W. W. McFarland	Dr. Mitchell F. Rice

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro  
Tem Himmelblau, Councilmembers Mullen, Snell, Trevino  
Noes: None

Community Development Commission

Councilmember Snell moved that the following persons be appointed to the Community Development Commission for a term of two years:

Bill Stotesbery  
Arthur Brown  
Brad Duggan

Marie Martinez  
Richard C. Cruse  
Lucio Varela

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,  
Councilmembers Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Dental Health Advisory Committee

Councilmember Trevino moved that the following persons be appointed to the Dental Health Advisory Committee for a term of one year:

Paul G. Gray  
Linda Carline  
Ouida Gossett

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers  
Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

Appointments to be made October 13

Mayor McClellan announced that the following boards or commissions would be acted upon next Thursday, October 13, 1977:

Plumbing Advisory Board	3
Construction Advisory Committee	3
Human Relations Commission	9
Joint Legislative Council	2
Parks and Recreation Board	1
Arts Commission	2

Appointments to be made November 3

Mayor McClellan announced that the following boards or commissions would be acted upon November 3, 1977:

MHMR Board	-
Building Standards Commission	1
Citizens Board of Natural Resources and Environmental Quality	1
Navigation Board	3
Urban Transportation Commission	1

The Mayor stated that the appointments to these boards or commissions would fill currently existing vacancies.

## ITEMS POSTPONED

Mayor McClellan announced that Council consideration of amendments to the 1977-78 Operating Budget and amendments to Chapter 46 of the Austin City Code to incorporate the Office of Environmental Resource Management into the Planning Department would be postponed until October 13, 1977.

Council consideration authorizing the Office of Minority Business Affairs to be transferred from the Department of Purchases and Stores to the Human Services Department was also postponed until October 13, 1977.

## PARADE PERMIT

Councilmember Trevino moved that the Council approve a request for a parade permit from Ms. Cathy Lawrence for Crockett High School Student Council from 10:00 a.m. to 11:00 a.m., Friday, October 21, 1977, beginning at Burger Activity Center, left onto Jones Road to Manchaca Road, turn right and proceed to Crockett High School parking lot. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell,  
Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

## CHRISTMAS TREE LOT

Councilmember Trevino moved that the Council approve a request from Mr. Ralph deClairmont, President, Southwest Austin Babe Ruth League, sponsored by Southwest Austin Optimist Club, to use City property located on the northwest corner of intersection of Barton Springs Road and Bouldin Avenue to establish 1977 Christmas tree lot. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

## CHRISTMAS TREE LOT

Mayor Pro Tem Himmelblau moved that the Council approve a request from Mr. Barkley Garner, Christmas Tree Chairman, South Austin Optimist Club, to use City property, a strip 200 feet wide facing South Lamar Boulevard, south of the Lamar Bridge from November 25, 1977, to December 31, 1977, for sale of Christmas trees. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers  
Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmember Mullen  
Noes: None

## CO-OP FAIR

Councilmember Trevino moved that the Council approve a request by Ms. Dianne L. Grandstrom, WTP Planning Committee; Board of Directors, Wheatsville Food Cooperative, to use Town Lake Park/Auditorium Shores, Saturday, October 15, 1977 (entire day) for a Co-op Fair. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell  
Noes: None

## MASSAGE PARLOR ORDINANCE

MS. SHARON CHAFFIN, Coordinator, Concordia Neighborhood Association, appeared before the Council to request the adoption of an ordinance regulating the location and activities of massage parlors in the City. She told the Council that the members of her Association objected to the opening of a massage parlor in their neighborhood. Ms. Chaffin cited the following objections which represented the consensus of the Association:

1. That massage parlors were linked to prostitution, narcotics and other crimes.
2. The location of the massage parlor in their neighborhood is less than 50 feet from a residential area with one resident less than 12 feet away.
3. They felt that parking for the massage parlor would route vehicles into residential areas.
4. They were concerned about robberies that might occur in the neighborhood due to narcotics activities in the parlor.
5. The parlor would tend to decrease property value.
6. Future and present businesses would be discouraged from locating in the area due to the presence of the parlor.

Mayor McClellan requested that the City Manager work with the City Legal Department to formulate an ordinance draft for future Council consideration. The Mayor indicated that the item could be placed on the agenda as a public hearing. She indicated that hours of operation should be looked at as well as zoning requirements regulating encroachment into residential areas.

## EXTRATERRITORIAL JURISDICTION

MAYOR BUD FOWLER, City of Sunset Valley, appeared before the Council to request approval of a plan to eliminate overlapping Extraterritorial Jurisdiction (ETJ) between the City of Austin and Sunset Valley. Mayor Fowler introduced two members of the Sunset Valley City Council and his City Attorney. He stated that he and Mr. Dick Lillie, Planning Department, and Mr. Homer Reed, Deputy City Manager, had worked long and hard trying to settle the ETJ situation. Mr. Lillie indicated an act by the 1963 State Legislature prohibited cities from

annexing territory into another municipality. However, the cities of Sunset Valley and Austin may jointly allocate an area if so desired. The act stipulates that neither City should receive less than 10% of the subject area and areas less than 160 acres should not be divided. Mr. Lillie presented a map outlining the subject area.

Councilmember Goodman moved that the Council accept the concept of the proposed ETJ plan and instruct the City Manager to come back to the Council with details on the plan. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro  
Tem Himmelblau, Councilmembers Mullen, Snell, Trevino  
Noes: None

#### SIGN FOR THE JAYCEES HAUNTED HOUSE

The Council had before it for consideration a request from Mr. Robert Hageman requesting permission for the Austin Jaycees to place a 5 x 8 interior lighted, directional sign for the Jaycees Haunted House. City Manager Davidson pointed out the request would be contrary to a provision of the code. He stated that Mr. Lonnie Davis, Director of the Building Inspection Department, would have more information concerning the request within an hour. The Mayor suggested deferring consideration of the request until the additional information was reviewed. Mr. Davidson stated that once this information is received, he could give the Council a recommendation.

Later in the meeting City Manager Davidson said that the matter had been checked into quite thoroughly. He recommended that if the Council authorized the sign temporarily that it be subject to the requirements of the Building Official's Office. Guidelines would be laid out through that office.

Councilmember Trevino moved that the Council authorized the Austin Jaycees to place a 5-foot by 8-foot interior-lit directional sign for the Jaycees' Haunted House on the City's right-of-way at the corner of Toomey Road and South Lamar Boulevard, October 7-31, 1977, subject to the requirements of the Building Inspector's Office. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell,  
Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

#### EASEMENTS

Councilmember Mullen moved that the Council adopt a resolution authorizing the release of the following easement:

One foot of a Public Utility Easement five (5.00) feet in width out of and a part of Lot 14, Block 3, Brykerwoods "F," a subdivision in the City of Austin. (Requested by the owner, Mr. Donald Bobb)

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution authorizing the release of the following easement:

The five (5.00) foot Public Utilities Easement along the lot lines adjoining Lots 35 and 33 in Lot 34, Enfield "F," a subdivision in the City of Austin, recorded in Book 3 at Page 194 of the Plat records of Travis County, locally known as 1509 Wethersfield Road. (Requested by the owner's representative, Mr. Joe E. Davis)

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution authorizing the release of the following easement:

A five (5.00) foot Public Utility Easement out of Lot 5-B the Southland Corporation's Resubdivision of Lot 5 Block A, Greenbriar Section One according to a map of record in Book 27 at Page 31 of the Plat Records of Travis County, Texas; and the release of a five (5.00) foot Public Utility Easement out of Lot 6-B of the Resubdivision of Lot 6, Block A, Greenbriar Section One according to a map of record in Box 35 at Page 4 of the plat book of Travis County, Texas. (Requested by the owner, Mr. Charles M. Goodnight)

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution authorizing the release of the following easement:

A 10.00 foot Public Utilities Easement out of Lot 10, First Resubdivision of Northtowne Section One, a subdivision recorded in Book 10 at Page 46 of the Plat Records of Travis County, Texas. (Requested by owner, Mr. Michael W. Weaver)

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None



## CONTRACTS AWARDED

Councilmember Mullen moved that the Council adopt a resolution approving the following contract:

GRAYBAR ELECTRIC COMPANY	- Street Light Fixtures, Central
7434 North Lamar Boulevard	Stores Division.
Austin, Texas	Item 1 - \$5,111.76

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution approving the following contracts:

Bid Award:	- Grouting Equipment, Water and Wastewater Department.
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HALIBURTON SERVICE	- Items 1 and 2 - \$3,173.50
2412 Bennet Lane	
Duncan, Oklahoma	

NAYLOR SERVICE & SUPPLY CO.	- Item 3 - \$7,573.00
201 North Richey	
Pasadena, Texas	

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution approving the following contract:

TERRY EDWARDS CONSTRUCTION CO.	- CAPITAL IMPROVEMENTS PROGRAM,
11607 North Lamar	Pavement and Drainage Improvements,
Austin, Texas	Metcalfe Road from Catalina Drive
	to 200 feet $\pm$ South of Glen Springs
	Way. CIP No. 76/62-08 - \$184,029.66

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution approving the following contract:

DON WILEY PUMP SERVICE, INC.  
4713 East 1st Street  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM,  
Fuel Facility Fire Station #17 -  
Tank, pump and island for diesel  
fuel - \$6,500.00

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers  
Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution approving the following contract:

GERSTENSLAGER COMPANY  
1425 Bowman  
Wooster, Ohio

- Two Bookmobiles, Vehicle and Equip-  
ment Services Department. Item 1 -  
2 ea. @ \$48,705.00  
Total - \$97,410.00

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers  
Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution approving the following contract:

WESTINGHOUSE ELECTRIC SUPPLY CO.  
9230 Research Boulevard  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM,  
Underground Commercial Transformer  
Purchase - Three Phase Pad Mounted  
Transformers, Electric Department.  
CIP No. 75/30-01  
Item 1 - 5 ea. @ \$2,175.00  
Item 2 - 2 ea. @ \$2,975.00  
Item 3 - 2 ea. @ \$3,965.00  
Item 4 - 1 ea. @ \$3,865.00  
Total - \$28,620.00

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers  
Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution approving the following contract:

INTERNATIONAL BUSINESS MACHINES  
CORPORATION  
1609 Shoal Creek Boulevard  
Austin, Texas

- Lease of Optical Mark Reader and Magnetic Tape Drive, Data Systems Department.  
Two-year lease including three one-year extensions thereafter.  
Item 1 - 1 ea. @ \$1,444/mo.  
Item 2 - 1 ea. @ \$ 233/mo.

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution approving the following contract:

M. C. CONSTRUCTION COMPANY  
1801 Santa Clara  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM  
Construction contract for North Austin Library, CIP No. 76/85-02  
\$445,300.

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution approving the following contract:

THE ACRATOD COMPANY  
12309 Deerbrook Trail  
Austin, Texas

- Open Shelf Filing Supplies for Brackenridge Hospital.  
Twelve months supply agreement with option for an additional six months extension.  
Items 1 - 6 - \$18,606.00

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## PHYSICAL THERAPY PROGRAM

Councilmember Mullen moved that the Council adopt a resolution authorizing a contract between the City of Austin for Brackenridge Hospital and Simmons College for a Program in Physical Therapy, Boston Massachusetts. (October 1, 1977 through September 30, 1978) The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## HEALTH OCCUPATIONS PHYSICAL THERAPY ASSISTANT PROGRAM

Councilmember Mullen moved that the Council adopt a resolution authorizing a contract between the City of Austin for Brackenridge Hospital and Colby Community College, Health Occupations Physical Therapy Assistant Program, Colby, Kansas. (October 1, 1977 through September 30, 1978) The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## FAMILY PLANNING SERVICES

Councilmember Mullen moved that the Council adopt a resolution authorizing the City of Austin and Brackenridge Hospital to enter into a contractual arrangement with the State Department of Human Resources to allow reimbursement of costs to the hospital associated with providing family planning services to indigent patients. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## TRAFFIC SIGNAL

Councilmember Mullen moved that the Council adopt a resolution authorizing entering into an agreement with the State Department of Highways and Public Transportation for the operation and maintenance of traffic signal at Northland Drive and the West Frontage Road of Loop 1. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## GRANT APPLICATION

Councilmember Mullen moved that the Council adopt a resolution authorizing submission of a grant application to the Texas Criminal Justice Division for the project entitled "Psychological Services for the Austin Police Department," in the amount of \$20,000. (Period - November 1, 1977, through October 31, 1978) The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## GRANT AGREEMENTS

Councilmember Mullen moved that the Council adopt a resolution authorizing entering into grant agreements with the Economic Development Administration U. S. Department of Commerce for the following grants:

1. Tennis Facility Expansion and Improvements - \$324,000.
2. Parks Facility Improvements - \$215,000.

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## ANNEXATION HEARING SET

Councilmember Mullen moved that the Council adopt a resolution to set a public hearing for October 27, 1977, at 2:30 p.m. to consider annexing the following:

64.87 acres of land out of the Henry P. Hill League. Timberline Office Park, a portion of Timberline amended and unplatted land. (Case No. C7a-77-009)

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

## EASEMENT AGREEMENTS ACROSS THE TEXAS PROJECT

Councilmember Mullen moved that the Council adopt a resolution authorizing the City to enter into the following Easement Agreements along with Houston Lighting and Power Company, Central Power and Light Company and the City of San Antonio (South Texas Project):

1. The Railroad Line Easement from the Mainline of the Missouri Pacific at Buckeye, Texas, to the South Texas Project across land controlled by Lewis-McDonald, et al.
2. Two (2) Transmission Line Easements leading from the South Texas Project across land controlled by Lewis-McDonald, et al.

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

#### ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
A 37,000 SQUARE-FOOT TRACT OF LAND, SAVE AND EXCEPT THE WESTERNMOST 25 FEET WHICH SHALL REMAIN ZONED "A" RESIDENCE DISTRICT, LOCALLY KNOWN AS 3104-3108 EDGEDALE DRIVE AND 5900-5908 REICHER DRIVE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (The Most Rev. Vincent M. Harris, C14-74-098)

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmembers Goodman, Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
TRACT 1: A 4.0029 ACRE TRACT OF LAND, SAVE AND EXCEPT THE WESTERNMOST 150 FEET, AND A 1.272 ACRE TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; AND,  
TRACT 2: THE WESTERNMOST 150 FEET OF A 4.0029 ACRE TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, 10721-10743 RESEARCH BOULEVARD (U. S. 183); SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (George L. Dill and Willie K. Dill, C14-77-001)

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell,  
Trevino, Mayor McClellan, Councilmembers Goodman, Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
A 30,526 SQUARE FOOT TRACT OF LAND, A PORTION OF OUTLOT #1, DIVISION Z, OF THE GOVERNMENT OUTLOTS OF THE CITY OF AUSTIN, LOCALLY KNOWN AS 1417 WEST 3RD STREET, FROM "D" INDUSTRIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.  
(Norman L. Smith, III, C14-77-102)

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell,  
Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan brought up the following ordinance for its second reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
(1) LOTS 1 AND 2, BROCKBRENT SUBDIVISION NO. 3, LOCALLY KNOWN AS 4612-4620 BURLESON ROAD; FROM INTERIM "AA" RESIDENCE, FIRST HEIGHT AND AREA TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA; AND  
(2) LOT 2 OF THE RESUBDIVISION OF TRACT A OF THE BROCKBRENT SUBDIVISION NO. 2, LOCALLY KNOWN AS 4604-4610 BURLESON ROAD; FROM INTERIM "AA" RESIDENCE, FIRST HEIGHT AND AREA TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA; AND,  
(3) LOT 1-B, BROCKBRENT SUBDIVISION NO. 1, LOCALLY KNOWN AS 4702 BURLESON ROAD; FROM INTERIM "AA" RESIDENCE, FIRST HEIGHT AND AREA TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (David C. Woodland, Jr. and W. Patrick McLean, C14-77-018)

The ordinance was read the second time, and Councilmember Goodman moved that it be passed to its third reading. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmember Mullen, Mayor McClellan, Councilmember Goodman  
Noes: Councilmembers Snell, Trevino  
Abstain: Councilmember Cooke

The Mayor announced that the ordinance had been passed through second reading only.

#### PUBLIC SAFETY BUILDING

The Council took under consideration a resolution supporting the following:

1. The construction of Travis County's Public Safety Building and the County's November 8, 1977, Bond Election.
2. An intergovernmental contract between the City and the County for the use of the new Public Safety Building for jail, Municipal Court and other governmental purposes.

County Commissioner Ann Richards told the Council that the County was in need of a maximum security jail, Court space with offices and parking facilities. She stated that the proposed bond issue would be divided into three such sections for the voters to consider. Commissioner Richards indicated that the facility would combine the City and County jail facility, would provide a psychiatric holding unit, will have a medical examiners office, will have a personal bond office and would provide Municipal Court space. The second bond issue addresses itself to the remodeling of the existing Courthouse. County Commissioner Richard Moya also spoke in support of the bond proposal.

Councilmember Mullen moved that the Council adopt a resolution supporting a bond issue for the proposed Travis County Public Safety Building and an intergovernmental contract between the City and County for the use of the new Public Safety Building for jail, Municipal Court and other governmental purposes. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

#### CONTRACTUAL AGREEMENT - MHMR

The Council took under consideration authorization for the City to enter into a contractual agreement with Travis County and the Austin Independent School District for the purpose of reorganizing the Austin-Travis County Mental Health and Mental Retardation Center and its Board of Trustees. Councilmember Cooke stated that he had concern over Paragraph 15 of the contract. Mayor Pro Tem Himmelblau indicated that the MHMR Board of Trustees felt that the chairperson for executive committees should be selected by the membership rather than appointed from the Chair. County Commissioner Ann Richards and Councilmember Cooke indicated that they had no objections to this stipulation.



Mayor Pro Tem Himmelblau moved that the Council adopt a resolution authorizing the aforementioned contractual agreement with the stipulation that changes to the contract would be brought back to the Council in the form of an amendment. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmember Mullen  
Noes: None

#### CONTRACT - URBAN RENEWAL AGENCY

The Council took under consideration authorization to enter into a contract with the Urban Renewal Agency for the period September 19, 1977, through September 18, 1978. Mr. Andy Ramirez, Director of the Human Resources Department, told the Council that the contract represented some new housing programs to be undertaken by the Urban Renewal Agency. Mr. Ramirez recommended that the City contract with the Urban Renewal Agency for 3 projects. He stated that a new agency was needed that could coordinate some of the new housing programs that are being started. Mayor Pro Tem Himmelblau asked why there was such a high administrative cost for the Urban Renewal Agency. Mr. Ramirez stated that the cost encompassed URA programs as well as newer programs. Councilmember Goodman suggested instituting a subcommittee composed of the Urban Renewal Board, the Planning Commission and the Community Development Commission. City Manager Davidson indicated that he would be in favor of this idea but that there needed to be at least one agency with prime responsibility. He felt that the Urban Renewal Agency should be this agency. Mr. Ramirez indicated that his recommendation was that the chairpersons from the agencies should meet and then decide how input would be submitted.

Mr. Leon Lurie, Director of Urban Renewal, told the Council that the amount submitted for implementation of the proposed programs was \$354,210. Mr. Lurie then itemized various expenses included under the total amount. He stated that this amount would have to be adjusted down to a \$301,000 figure.

Councilmember Snell felt that the Building Inspection Department should take a more active interest in the review of the contracts. Mr. Ramirez stated that there would be no problem with bringing the Building Inspection Department in on the project. Mr. Lurie indicated that they would also appreciate input from that department. Councilmember Snell pointed out that this could be done without any additional funds.

MR. JUAN LUJAN, representing the South Austin Citizens Advisory Board, spoke before the Council in regard to complaints received from persons over the Urban Renewal Home Rehabilitation Program. He stated that there were complaints that some of the services in the contracts were not performed but that the contract was paid nonetheless. Councilmember Snell asked if the Urban Renewal Agency had been notified about the complaints. Mr. Lujan stated that Mr. Lurie was invited to attend the Board's meeting of August 17, 1977. He stated that at that time Mr. Lurie had suggested that the Board document the complaints in writing. Mr. Lujan stated that on September 1, the Board sent Mr. Lurie a letter with the requested documentation. On September 26, Mr. Lurie notified the Board that certain discrepancies were being looked into. Mr. Lujan stated

that the City Urban Renewal Agency has apparently paid for work that has not been done. He cited a case of a Mr. White, where five items were supposedly done and only one was actually done and that was not done according to specifications. He felt that the Urban Renewal Agency needed to be more responsive to the people it worked for as well as the people it served. In response to Mr. Lujan's statement, Mr. Lurie indicated that the Agency (URA) tried to work with the home owner and in the case cited by Mr. Lujan, had not done certain work at the owner's request. Councilmember Goodman asked Mr. Lurie what the procedure for checking work was. Mr. Lurie indicated that inspectors were sent out to subject homes where work was done. It was pointed out that the agency contracts with private contractors for its inspection work.

MR. BILL DORMAN, contractor and member of the South Austin Citizens Advisory Board, told the Council that definite discrepancies did exist in that contracted work was not being performed on subject. He suggested that work inspection responsibility be delegated to the Building Inspection Department. City Manager Davidson was opposed to this idea. However, Councilmember Goodman felt that as long as the URA was contracting with outside, private contractors for its inspection work, it might as well be contracting with the City Building Inspection Department. Mr. Davidson indicated that he would prefer researching the possibility of bring this responsibility under the charge of the City Construction Management Department, rather than introducing a new program into the Building Inspection Department.

MRS. ACOSTA spoke before the Council in support of the Urban Renewal programs.

MS. LINDA MOORE, Executive Director of The Austin Area Urban League, complained before the Council that employees from the Urban Renewal Agency had shaken down her staff for submission of complaints lodged against the URA. Mayor McClellan felt, however, that such inter-departmental disputes would not be solved within the Council Chamber and advised moving on to something else.

MS. MARIE BRUFFY, member of the South Austin Citizens Advisory Board and the Community Development Commission, requested that a public hearing be held where people with problems could air their views. Ms. Bruffy asked that an additional contract be signed allowing persons more input. Councilmember Goodman stated (for the record) that there was no contract before the Council that day. He asked when the contract would be prepared. Mr. Ramirez stated that the contract is currently with the City's Legal Department. It was stated that the boiler plate part of the contract would be executed by next week.

#### Motion

Councilmember Snell moved that the Council adopt a resolution authorizing the contract with the Urban Renewal Agency with the stipulation for a subcommittee as recommended by Mr. Ramirez of the Human Resources Department.

#### Friendly Amendment - Accepted

Councilmember Trevino offered a friendly amendment that the proposed subcommittee be composed of members from the Building Standards Commission, the Planning Commission, the Housing Authority and the Community Development Commission and that the City staff be allowed to help monitor the program. The friendly amendment was accepted.

MR. W. S. ROSS told the Council that the Urban Renewal Agency had done a wonderful job on his house. He stated that he had no complaints to register against the agency.

MR. ELLIOT NAISHTAT, Chairman of the Community Development Commission, felt that the role of the CDC in matters of housing was being undermined by members of the City staff. He stated that the CDC was composed of many persons from the target areas in the City and was truly representative of the City populus. He questioned why the Commission was not involved with the matter concerning the Urban Renewal contract. He felt that the CDC could better hear housing complaints than could the Urban Renewal Board.

Roll Call on Motion with Friendly Amendment

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers  
Cooke, Goodman, Mullen, Snell

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Himmelblau

SETTING A PUBLIC HEARING

Councilmember Mullen moved that the Council set a public hearing to permit the construction of an 8" wastewater approach main through park land to serve Timberline Section IV Subdivision for November 10, 1977, at 10:30 a.m. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers  
Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

The Council then recessed.

AFTERNOON SESSION

Mayor McClellan called the recessed meeting to order.

BEAT OU WEEKEND

Mayor McClellan read and then presented to Coach Akers and Co-Captains Earl Campbell, George James, Morgan Copeland and Brad Shearer a proclamation designating the weekend of October 7-9, 1977, as "Beat OU Weekend" in Austin and urged all University of Texas fans to support The University of Texas Longhorn Football Team in their fourth victory march of the season. Coach Akers and the players thanked the Council for the proclamation.

## TAX APPEAL HEARINGS

Mayor McClellan opened the tax appeal hearings scheduled at this time. The following appeal was then heard:

Ownership and Description	Property	1976 Appraised Value 100%	1977 Appraised Value 100%	1977 Rendered Value 75%	1977 Assessed Value 75%	1977 Value by Board of Equalization 75%
HOLIDAY INNS, INC.	Land	379,947	379,947	--	284,960	284,960
By: Allen I. Forsythe	Imps.	<u>491,410</u>	<u>491,560</u>	--	<u>368,670</u>	<u>368,670</u>
	Total	871,357	871,507		653,630	653,630

Parcel No. 2-2915-0135  
7.86 acres in the James  
P. Wallace Survey

Address of Property:  
6901 IH 35 North

HOLIDAY INN AUSTIN #84	Supplies	-0-	3,650	3,650
By Allen I. Forsythe	Furniture, Fixtures & Equipment	<u>38,425</u>	<u>57,200</u>	<u>57,200</u>
	Total	38,425	60,850	60,850

Personal Property  
#H-41750

Property located at:  
6901 IH 35 North

Jack Klitgaard, Tax Assessor-Collector, reviewed the details of the appraisals on the improvements and furniture and fixtures. He stated that in 1976 there were tentative plans to demolish the improvements and build a new Holiday Inn. Those plans did not materialize until May, 1977, and under the law the assessment was as of January 1, 1977. He felt that if the property had been exposed to the market, that its value was as assessed on January 1, 1977. The property now is in the process of being demolished. Comparisons with similar property in Austin showed it to be uniform and equal those properties.

Regarding furniture and fixtures, Mr. Klitgaard stated that the Tax Department had listed them at the same value as the previous year. Holiday Inn had rendered them at less value than last year. The assessment was \$560 per room. By comparison, Ramada Inn was assessed at \$609 per room and Cross Country Inn was assessed at \$1,019 per room. He believed that the assessment on the Holiday Inn property was in line with comparables in the District.

MR. ALLEN I. FORSYTHE, representing Holiday Inns, Inc., stated that the Tax Department had been informed last year that the subject property would be demolished because it did not meet Holiday Inn standards. The property was taken out of the System in May, 1977 and renamed Austin North Motel. All Holiday Inn trademark items were removed from the property. Mr. Forsythe felt that the assessment was not equitable treatment.

Regarding the personal property, Mr. Forsythe stated that outside and inside influences would effect the value of the property. Holiday Inn had made its intentions known last year, and he felt that the declaration should have effected the valuation.

In response to Mayor McClellan's question, Mr. Forsythe stated that the property was put up for sale in early 1976. He did not know how actively Holiday Inn pursued the matter. The property was placed on the market for \$600,000 to \$900,000, which was in line with the Tax Department's valuation.

After some further discussion, the Council took the following action:

Councilmember Goodman moved that the Council deny the appeal. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino  
Noes: Councilmember Cooke

Recommendations of the Board of Equalization were sustained as follows:

Ownership and Description	Property	1977 Value by Board of Equalization 75%	Council Action
HOLIDAY INNS, INC.	Land	\$284,960	\$284,960
	Imps.	<u>368,670</u>	<u>368,670</u>
	Total	\$653,630	\$653,630

Parcel No. 2-2915-0135  
7.86 acres in the James  
P. Wallace Survey

Address of Property:  
6901 IH 35 North

HOLIDAY IN	Supplies	\$ 3,650	\$ 3,650
AUSTIN #84	Furniture, Fix- tures & Equipt.	<u>57,200</u>	<u>57,200</u>
	Total	\$60,850	\$60,850

Personal Property  
#H-41750

Property Located at:  
6901 IH 35 North

The Council then heard the following tax appeal:

Ownership and Description	Property	1977	1977	1977
		Rendered Value 75%	Assessed Value 75%	Value by Board of Equalization 75%
VILLAGE CASUALS, INC. by: Allen L. Pullen and Alvin Breit	Merchandise	\$19,484	\$30,000	\$30,000
	Fixtures and/or	5,000	3,290	3,290
	Equipment			
	Other Personal	165	120	120
Personal Property #V-42071	Property			
	Total	\$24,649	\$33,410	\$33,410
Property Located at: 465 Northcross Mall				

Jack Klitgaard stated that the owner's rendition of personal property was considerably less than last year's rendition. The Tax Department had not been too successful in trying to verify the rendition. Assessment on the property was based on what was comparable throughout the District, and was the same as the previous year. The owners felt that the store in question was not a good store compared to the comparables being used. Since business was poor, both the inventory and sales force were reduced.

MR. ALLEN PULLEN, Vice-President of Village Casuals, stated that the subject store was doing only one-half the business that comparable stores which were more favorably located were doing. Consequently, inventory had to be reduced. He had offered to show the Tax Department the actual inventory of merchandise. Mr. Pullen explained how he arrived at the \$19,484 rendition. The amount of taxes in dispute was about \$400.

Members of the Council asked and Mr. Klitgaard responded to several questions regarding the appeal. The Council then took the following action:

#### Motion

Councilmember Goodman moved that the Council deny the appeal. Councilmember Trevino seconded the motion.

#### Substitute Motion - Failed

Councilmember Mullen offered a substitute motion that the Council accept the rendered value of \$24,649. The motion, seconded by Councilmember Cooke, failed to carry by the following vote:

Ayes: Councilmembers Mullen, Cooke

Noes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino, Mayor McClellan

Roll Call on Original Motion

Roll Call on the original motion to deny the appeal showed the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau,  
Councilmembers Snell, Trevino, Mayor McClellan  
Noes: Councilmembers Cooke, Mullen

Recommendations of the Board of Equalization were sustained as follows:

Ownership and Description	Property	1977 Value by Board of Equalization 75%	Council Action
VILLAGE CASUALS, INC.	Merchandise	\$30,000	\$30,000
	Fixtures and/or		
Personal Property	Equipment	3,290	3,290
#V-42071	Other Personal		
	Property	120	120
Property located at:			
465 Northcross Mall	Total	\$33,410	\$33,410

## PUBLIC HEARING ON STREET VACATIONS - POSTPONED

Mayor McClellan opened the public hearing scheduled for 2:00 p.m. on vacating the following:

CONCHO STREET from the north line of Gregory Street to the south line of Rosewood Avenue. (Requested by Mr. Leon M. Lurie, Executive Director of the Urban Renewal Agency)

John German, Public Works Director, stated that a question had arisen with regard to payment for the Concho Street property and he recommended a week's delay. Councilmember Trevino moved that the Council continue the public hearing on that property until 2:00 p.m., October 13, 1977. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmember Cooke, Mayor Pro Tem Himmelblau

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Council had before it a public hearing on vacating the following:

A ten (10.00) foot strip of land in the west right-of-way of NUECES STREET, extending from the north line of West 8th Street to the south line of West 8th Street Alley. (Requested by Carolyn Knape Martin, owner of property adjacent to the right-of-way)

Mr. German stated that two buildings encroached on the right-of-way on Nueces Street, just north of 8th Street on the west side of the street. The owner wished to sell the property and did not know until now that she did not own the strip of land in question. Mr. German recommended that the Council authorize acceptance of a deed from the property owner such that if the encroachments were ever torn down, the property would revert to the City. The deed was in hand.

In response to Mayor Pro Tem Himmelblau's question, Mr. German said that no property value had been established since he had the deed. Mayor Pro Tem Himmelblau stated that she preferred to have a license agreement on the property. PAUL McCLAIN, with Red Carpet Realtors, and representing the owners, felt that the procedure recommended by Mr. German was equitable.

#### Motion

Mayor Pro Tem Himmelblau moved that the Council postpone the item one week until the market value of the property could be obtained. Councilmember Goodman seconded the motion.

JIM MARTIN, husband of the owner, Carolyn Knappe Martin, felt the request was fair. He asked the Council to act today to grant the request.

#### Roll Call on Motion

Ayes: Councilmembers Snell, Trevino, Mayor McClellan,  
Councilmember Goodman, Mayor Pro Tem Himmelblau  
Noes: Councilmembers Mullen, Cooke

#### PUBLIC HEARING ON ZONING ORDINANCE TEXT AMENDMENT

Mayor McClellan opened the public hearing scheduled for 2:00 p.m. to consider an amendment to the Zoning Ordinance Text to provide a new Section 45-14(b) and to enact certain amendments to Section 45-16.1 through 45-22.5.

City Attorney Jerry Harris stated that Section 45-14(b) would require six votes by the Council to overturn a recommendation by the Planning Commission to deny a zoning change. Due to a change in State law, the procedure could be adopted on a local option basis. In response to questions from the Council, Dick Lillie felt that the Council should be able to overturn a Planning Commission recommendation by a simple majority vote.

WOODROW SLEDGE spoke in opposition to the proposed amendment. He felt that some flexibility should be reserved for the Council. BOB GARRETT spoke in opposition to the proposed amendment.

Councilmember Cooke moved that the Council close the public hearing on the proposed Section 45-14(b) and leave the section as it was presently. Councilmember Mullen seconded the motion, and it carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke,  
Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell  
Noes: None



Mr. Lillie then reviewed the proposed amendments to Sections 45-16.1 through 45-22.5. The proposed ordinance would permit public schools, parks, playgrounds or other publicly operated recreational activities and recreational activities conducted by private, non-profit organizations on public lands in "SR" Suburban Residential, "AA" Residence, "A" Residence, "BB" Residence, "B" Residence, "O" Office, "LR" Local Retail, and "GR" General Retail zoning districts by Special Permit. It was felt that the present requirement of "C" Commercial zoning for those activities was too restrictive. He requested that the ordinance be passed on an emergency basis because an item was coming before the Planning Commission next week which would fall under the Special Permit category.

In response to Mayor Pro Tem Himmelblau's question, Mr. Lillie said that the lighting for Little League fields had not been objectionable for City-operated activities in "A" Residential areas. The Special Permit coming before the Planning Commission had lighting for the field, but the lights were low and aimed away from the residential areas.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE CODE OF THE CITY OF AUSTIN, 1967; AMENDING ARTICLE II OF SAID CHAPTER BY AMENDING SUBSECTION (c) OF SECTION 45-16.1, ADDING SUBSECTION (j)(8) TO SECTION 45-16.1, ADDING SUBSECTION (g)(4) TO SECTION 45-18, ADDING SUBSECTION (h)(8) TO SECTION 45-19, ADDING SUBSECTION (a)(16) TO SECTION 45-20, ADDING SUBSECTION (v)(9) TO SECTION 45-21, ADDING SUBSECTION 39(h) TO SECTION 45-22, AND ADDING SUBDIVISION (g) TO SUBSECTION (a) OF SECTION 45-22.5; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Trevino moved that the Council waive the public hearing, waive the requirement for three readings and finally pass the ordinance on an emergency basis amending Sections 45-16.1 through 45-22.5 of the Zoning Ordinance Text, effective immediately. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### PUBLIC HEARING ON PROPOSED SOLID WASTE COLLECTION RATES

Mayor McClellan opened the public hearing scheduled for 2:30 p.m. to consider increasing residential solid waste collection rates by 25 cents per month. No one appeared to be heard.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 28-15 OF THE AUSTIN CITY CODE; INCREASING CERTAIN RATES CHARGED BY THE CITY OF AUSTIN FOR REMOVING GARBAGE; DECLARING AN EFFECTIVE DATE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Goodman moved that the Council close the public hearing, waive the requirement for three readings and finally pass the ordinance increasing residential refuse collection rates from \$3.25 to \$3.50 per month. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,  
Councilmember Mullen, Mayor McClellan

Noes: Councilmember Snell

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

#### ANNEXATION PUBLIC HEARING

Mayor McClellan opened the public hearing scheduled for 2:30 p.m. to consider annexation of and directing the administration to institute annexation proceedings to annex the following:

20.60 acres of land out of the John Applegait Survey. (Portion of Mockingbird Hills, Section 1 - Case No. C7a-77-007)

No one appeared to be heard. Dick Lillie, Planning Department, stated that it was his and Curtis Johnson's (Water and Wastewater Department) recommendations that the area not be annexed at this time. The City Manager concurred with the recommendations.

Councilmember Goodman moved that the Council close the public hearing and deny the annexation. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

#### AMENDMENTS TO CODE OF ETHICS AND FINANCIAL DISCLOSURE ORDINANCE

COLIN CARL, Chairman, Ethics Review Commission, reviewed the proposed amendments for the Council. Those changes were:

1. Councilmembers could accept any gift up to \$100 so long as they reported it.
2. Councilmembers could not accept any gift by reason of their official position if it was over \$100.
3. Councilmembers could accept any other gift as long as they reported it, except gifts from relatives did not have to be reported.

Regarding the question raised earlier by Mayor McClellan concerning goodwill trips, the Commission wanted to review the matter further.

The Council then discussed the proposed changes. Mayor McClellan showed pictures of the Council painted by school children. There was discussion as to whether she and the Council could accept such gifts on behalf of the City and leave them with the City. Mayor Pro Tem Himmelblau expressed concern over the amount of bookkeeping involved to report gifts.

Motion - Died for Lack of a Second

Councilmember Mullen moved that the Council set a \$10 maximum on gifts to be accepted with no amount to be reported, but all items to be reported. The motion Died for Lack of a Second.

Motion

Councilmember Cooke moved that the Council amend the ordinance as follows: The motion was seconded by Councilmember Goodman.

1. Councilmembers may accept gifts of any value in behalf of the City, but must report all such gifts.
2. Councilmembers will not report any gifts under \$10.
3. Councilmembers will report all gifts of over \$10 to \$100.  
(Deleted by friendly amendment)

Friendly Amendment - Accepted

Councilmember Mullen offered a friendly amendment that no gifts to Councilmembers worth over \$10 be accepted. Councilmember Cooke accepted the amendment.

Substitute Motion - Failed

Councilmember Mullen offered a substitute motion that the Council set a \$10 maximum on gifts to be accepted with no amount to be reported, but all items to be reported. Mayor McClellan seconded the motion. Roll call on the substitute motion showed it failed to carry by the following vote:

Ayes: Mayor McClellan, Councilmember Mullen  
Noes: Councilmembers Snell, Trevino, Cooke, Goodman,  
Mayor Pro Tem Himmelblau

Roll Call on Original Motion

Roll call on Councilmember Cooke's original motion, seconded by Councilmember Goodman, with friendly amendment, showed the motion carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Cooke, Goodman, Mayor  
Pro Tem Himmelblau  
Noes: Councilmember Mullen, Mayor McClellan

Mayor McClellan said that Ms. Sheila Finneran of the Legal Department would bring back a draft of the ordinance for further consideration.

F. 11.

Ord No. 771006-E

Citizens Advocacy Program  
caption goes here

## AUSTIN ASSOCIATION FOR RETARDED CITIZENS - CITIZEN ADVOCACY PROGRAM

The Council had before it for consideration amending Ordinance No. 770922-A (Annual Budget Ordinance for Fiscal Year 1977-78) by budgeting and appropriating from the General Fund \$4,637.00 for the contract with Austin Association for Retarded Citizens for services provided through the Citizen Advocacy Program.

Motion

Councilmember Snell moved that the Council make the amendment. The motion was seconded by Councilmember Goodman.

Mayor Pro Tem Himmelblau felt that a dangerous precedent was being set by going back and allowing agencies to come and ask for what they did not receive, because 99% of the agencies were not granted the amount they requested from the City. Councilmember Mullen agreed with her statement. Councilmember Snell felt that the request was misunderstood from the beginning.

Mayor Pro Tem Himmelblau thought that a reasonable request would have been last year's amount plus 5% because that percentage was not exceeded very many times with any of the agencies.

Motion Withdrawn

Councilmember Snell withdrew his motion and Councilmember Goodman withdrew his second.

Motion

Councilmember Goodman moved that the Council increase funding for the agency by \$1,775.00. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor McClellan, Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

Motion

Mayor McClellan introduced the following ordinance:

771006-E

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor McClellan, Councilmember Goodman, Mayor Pro Tem  
Himmelblau, Councilmembers Mullen, Snell, Trevino

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

#### HOTEL/MOTEL TAX REVENUE

The Council took under consideration an ordinance appropriating funds from the Hotel/Motel Tax Revenue. Mr. Joe Liro, Assistant City Manager, told the Council that the City will receive an additional income of about \$210,000 due to the recent increase in the Hotel Occupancy Tax. By law, a portion of the revenue must be spent on tourism and conventions. The law also stipulates that if a hotel tax is set at 4%, then .25 of that tax or 1% of incurred revenues must be rechanneled into City tourism and conventions. Mr. Liro stated that of the additional revenues received, \$106,000 is currently unallocated. He stated that there had been two proposals for the funds: one being from the Chamber of Commerce; the other from the Arts Commission in an amount equivalent to .5 of 1% of \$106,000. Mr. Liro stated that there had been a recommendation that the plan for the Chamber of Commerce be reconsidered by the City Council annually and that the Chamber continue to develop detailed proposals that could be taken under consideration by the Council. As for the Arts Commission, it had been recommended that the funds not be earmarked at this time but rather accumulated in a reserve for the Auditorium fund until specific proposals can be developed by the Arts Commission. Mr. Liro indicated that certain projects for the Municipal Auditorium could be financed by the tax.

MR. RUSH EVANS, President of the Austin Chamber of Commerce, told the Council that he would answer questions relative to a presentation made by letter by Mr. Bob Tinstman, Conventions President for the Chamber of Commerce. Mr. Evans felt that the Council should reconsider the recommended percentage of tax revenue that would be allocated to the Chamber. He stated that an increase in allocation would enable the Chamber to become more competitive in the tourism industry. Mr. Evans stated that they felt the concept of an advisory group was a solid idea and encouraged moving forward with that idea.

MR. ALVIN GOLDEN, Chairperson of the Arts Commission, stated that the Commission wanted the Council to allocate .5 of 1% to a fund to be used for arts projects throughout the year and, if all the money is not spent, to supplement the arts projects next year. He stated that this would be preferred over sinking the money into a general fund somewhere. Mayor McClellan pointed out that locating the funds for the Arts Commission in the Auditorium General Fund would not prohibit the funding of arts projects even if the money would not be quite as earmarked. Mr. Evans requested that the Council make a commitment for the funds if there were projects for which they could be justified. He cited several arts projects which the Arts Commission would like to see funded. City Manager Dan Davidson stated that funds could be allocated to either the Municipal Auditorium, the Arts Commission or the Chamber of

Commerce but that without specific programs available for funding, the Council should not make the funds available. Councilmember Mullen asked if there was any problem with putting money into a savings account. Mr. Liro indicated that the money was already earning money and that it could not earn any more if it was placed into another account. Mr. Liro stated that he discouraged earmarking funds, as it decreased the Council's flexibility as to how the funds could be used. He felt that until specific programs are developed, the funds should continue to accumulate in the Auditorium General Fund. Mr. Davidson stated that the ability of the City to construct a proposed Tourist and Convention Center could be hindered by earmarking funds for other specific projects. Mr. Golden again stressed that the Council should commit funds for specific arts projects.

MR. MARCEL ROCHA, representing the Mexican-American Chamber of Commerce, felt that the Council made a good decision in increasing the tourism and conventions allocation to the Chamber. He stated that his Chamber wanted to be included in the tourism and convention budget. Councilmember Mullen asked Mr. Rocha what his organization's budget was last year. He stated that there was a combined budget of \$50,000, and that they had another project with the City for which they were funded \$30,000 and the combined budget being \$55,000.

#### Motion

Councilmember Cooke moved that the Council make the following funding appropriations:

Austin Chamber of Commerce	3/4%
Mexican-American Chamber of Commerce	1/4%
City of Austin	2-1/2%
Arts	1/2%

The motion was seconded by Councilmember Trevino. Councilmember Cooke also made the stipulation that the funds allocated to the Chambers of Commerce had to be used for the purpose of promoting Tourism in Austin as required by Texas State law.

#### Substitute Motion - Died for Lack of a Second

Councilmember Mullen moved that the Council make the following funding appropriations:

City of Austin	2%
Arts	1/2%
Chamber of Commerce	11-1/2%

Councilmember Mullen also made the stipulation that \$50,000 of the funds to the Chamber of Commerce would have to be allocated to the Mexican-American Chamber of Commerce. The motion died for lack of a second.

#### Substitute Motion - Died for Lack of a Second

Mayor Pro Tem Himmelblau moved that the Council make the following funding appropriations:

City of Austin	2-1/4%
Arts	1/2%
Chamber of Commerce	1-1/4%

The substitute motion died for lack of a second.

Substitute Motion - Died for Lack of a Second

Councilmember Cooke moved that the Council postpone action on the matter for a period of one week. The motion died for lack of a second.

Substitute Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE APPROPRIATING FUNDS FROM THE HOTEL/MOTEL TAX REVENUE; PROVIDING THAT FROM THE FOUR PERCENT (4%) HOTEL/MOTEL TAX, ONE-HALF (1/2) OF ONE PERCENT (1%) OF SUCH FUNDS SHALL BE USED TO SUPPORT THE ARTS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council waive the requirement for three readings, and finally pass the ordinance, appropriating funding in the amount of 1/2% for the Arts and \$25,396 for contracts with various Arts organizations. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmember Mullen  
Noes: None

The Mayor announced that the ordinance had been finally passed.

CONTRACTS APPROVED

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

SOUTHWEST CONTRACTOR SUPPLY CO. 2257 East Ben White Boulevard Austin, Texas	- Fire Hydrants, Central Stores Division. Twelve Months Supply Agreement, with option to extend for twelve months. Items 1-4 - \$62,759.59.
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The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mullen, Snell  
Noes: None  
Not in Council Chamber when roll was called: Mayor Pro Tem Himmelblau

In response to Councilmember Goodman's question, Solon Bennett, Director of Purchases and Stores, said that there was a lower bid, but the City would



have to take possession of the entire lot, rather than buy as needed. When the value of money was considered, it was cheaper to go with a supplier who would agree to a supply agreement, rather than a spot purchase.

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Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

CAN-TEX INDUSTRIES, INC.  
615 N.W. 20th Street  
Mineral Wells, Texas

- Lift Station Man-Lift, Water and  
Wastewater Department.  
Item 1 - \$12,339.00

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem  
Himmelblau, Councilmembers Mullen, Snell, Trevino  
Noes: None

Councilmember Goodman raised the following questions:

1. Why was the item not incorporated into the original design?
2. Why were bid invitations not sent to others in the elevator business?
3. Since there was only about one floor involved, why would not a ladder suffice?

Curtis Johnson, Director of the Water and Wastewater Department, said that a ladder was currently being used, but the space was in excess of 40 feet. There were no intermediate floors as such. When the station was first built, it was not as tall as it is now. It had since been extended to prevent it from being flooded. The station was visited at least once a day.

Solon Bennett said that 16 bid invitations were issued, but only one bid was received. The one bidder was the manufacturer of equipment which would fit the installation. Other manufacturers would have to modify the equipment at a higher cost.

In response to Councilmember Goodman's question, Mr. Johnson stated that there were about 50 similar lift stations within the City, but that most conditions were much less severe than at the installation under question. He did not anticipate that the problem would arise at any other such installation.

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Mayor Pro Tem Himmelblau moved that the Council adopt a resolution approving the following contract:

GENERAL ELECTRIC COMPANY  
Medical Systems Division  
10105 Metropolitan Drive  
Austin, Texas

- X-Ray System for evaluation of heart  
and vascular system (Primarily for  
evaluation of patients who are potential  
candidates for coronary bypass surgery.)  
5-year lease @ \$12,076.00/month

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,  
Councilmembers Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

DR. JACK BOYD, Medical Director of the Radiology Department, Brackenridge Hospital, described the subject equipment and its use in the Radiology Department. In response to Councilmember Mullen's question, Dr. Boyd said that the City would not be spending more for a similar piece of equipment. Total lease costs presently being spent were similar to the amount in the upcoming budget. Some leases would be terminated and some equipment in the new department would be purchased. Dr. Boyd answered questions regarding frequency of equipment breakdown, the possible use of outdated equipment as back-up equipment and the lease termination clause in the lease contracts.

#### APPROACH MAIN AUTHORIZED

The Council had before it for consideration authorization of an 8" wastewater approach main to serve the proposed Sam Robinson Tract at no cost to the City. Curtis Johnson by use of a slide reviewed the proposed routes for the main.

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution authorizing the subject approach main. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

#### AMENDMENT TO ZONING TEXT - LANDSCAPING

The Council had before it consideration of setting a public hearing for November 3, 1977, on amendments to Chapter 45 of the Austin City Code (Zoning Ordinance) which will provide for landscaping on multi-family and commercial properties where same abut single-family zones.

Councilmember Trevino moved that the Council refer the item back to the Planning Commission for further study. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell,  
Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

## GOLF FEES FOR MUNICIPAL COURSES INCREASED

The Council had before it for consideration an ordinance amending Section 24-2.1(a) of the Austin City Code to adjust golf fees for Municipal courses.

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 24-2.1(a)(1),(2),(3) AND (4) OF THE AUSTIN CITY CODE OF 1967 BY ADJUSTING FEES TO BE CHARGED FOR USE OF GOLF RECREATION FACILITIES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Cooke moved that the Council accept the proposal submitted by the Parks and Recreation Board and waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion was seconded by Councilmember Mullen.

VIRGINIA BEDINGER, member of the Parks and Recreation Board, addressed the Council regarding the rate increase She requested that the fees at Hancock Golf Course stay the same for 4 months.

Members of the Council discussed the proposed fees with Mrs. Bedinger and Jack Robinson, Parks and Recreation Department Director:

Parks and Recreation Board Recommendations

Weekday (Regular)	\$3.50
Weekday (Senior)	2.25
Weekday (Junior)	1.50
Weekday (Evening)	2.50
Weekday (Senior - Evening)	2.00
Weekday (7:00-10:00 a.m.)	2.00
Weekend (Daylight - **2:00 p.m.)	4.00
Weekend (2:00 p.m. - **5:00 p.m.)	3.25
Weekend (Evening)	2.75
Weekend (Evening - Senior)	2.25
Weekend (Daylight - 2:00 p.m. (Annual Card Holder)	3.25

(These figures include the surcharge)  
 \*\*Times to be specified by the Director  
 of the Parks and Recreation Department  
 with season changes.

Roll Call on Motion

Ayes: Councilmember Mullen, Mayor McClellan, Councilmembers  
 Cooke, Goodman, Mayor Pro Tem Himmelblau

Noes: Councilmember Snell

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

## BRACKENRIDGE HOSPITAL RATE INCREASE

The Council had before it consideration of approving a six percent (6%) rate increase at Brackenridge Hospital for the twelve-month period ending September 30, 1978. City Manager Davidson stated that during the budget sessions that if the Council had not agreed to user fee increases, then the tax rate would have increased. Even with the increase, Brackenridge Hospital was still competitive.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE RATES CHARGED FOR BRACKENRIDGE HOSPITAL SERVICES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Cooke moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmember Mullen

Noes: Councilmember Snell

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

## TRANSPORTATION ORDINANCES

The Council had before it for consideration the following proposed transportation ordinances:

1. Amending Section 21-37(y) of the Austin City Code of 1967 by deleting the authority of the Traffic Engineer to designate roadway lanes for the exclusive use of taxicabs transporting passengers and motor vehicles transporting four or more passengers.
2. Amending Section 21-39 of the Austin City Code to provide for the establishment by the City Council of roadway lanes for the exclusive use of taxicabs and/or motor vehicles transporting four or more passengers.
3. Establishing that the east curblane on B. R. Reynolds Road from West 1st Street to Lamar Boulevard shall be reserved for the exclusive use of taxicabs carrying paying passengers and motor vehicles carrying four or more passengers.

Allen Brecher, Urban Transportation Department, reviewed the three proposed ordinances for the Council. There was discussion regarding B. R. Reynolds Road and the use of the high-occupancy lane. Mr. Brecher felt that the changes would improve traffic flow onto Lamar Boulevard. A media campaign would be undertaken to improve public awareness of the area. In response to Councilmember Cooke's question, Mr. Brecher stated that the diamond marker being used was a nationally accepted standard. Councilmember Mullen objected to the inclusion of taxicabs in the ordinances.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 21 OF THE AUSTIN CITY CODE OF 1967 BY DELETING THE PRESENT SECTION 21-37(y); ADDING A NEW SECTION 21-37(y); GIVING THE TRAFFIC ENGINEERS AUTHORITY TO DESIGNATE EXCLUSIVE BUS LANES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers  
Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers  
Mullen, Snell  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 21 OF THE AUSTIN CITY CODE OF 1967; ADDING A NEW SECTION 21-39.1; PROVIDING FOR EXCLUSIVE STREET LANES FOR TAXICABS AND/OR VEHICLES TRANSPORTING FOUR OR MORE PERSONS; PROVIDING FOR THE TRAFFIC ENGINEER TO ERECT APPROPRIATE SIGNALS, SIGNS AND/OR MARKINGS WHEN DIRECTED BY THE COUNCIL; WAIVING THE RULE THAT ORDINANCES MUST BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council waive the requirement for three readings and finally pass the ordinance on an emergency basis. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers  
Goodman, Mullen, Snell  
Noes: Councilmember Cooke, Mayor Pro Tem Himmelblau

The Mayor announced that the ordinance had been finally passed on an emergency basis.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DESIGNATING THE EAST CURB LANE OF B. R. REYNOLDS DRIVE FROM FIRST STREET TO LAMAR TO BE USED EXCLUSIVELY FOR TAXICABS AND VEHICLES TRANSPORTING FOUR OR MORE PERSONS, IN ACCORDANCE WITH SECTION 21-39.1 OF THE AUSTIN CITY CODE OF 1967; SUSPENDING THE RULE REQUIRING THE READING OR ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council waive the requirement for three readings and finally pass the ordinance on an emergency basis. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers  
Goodman, Mullen, Snell  
Noes: Councilmember Cooke, Mayor Pro Tem Himmelblau

The Mayor announced that the ordinance had been finally passed on an emergency basis.

The Council stipulated that B. R. Reynolds Road be monitored for 30 days and that a report be brought back before the Council.

#### STUDY OF CITY'S MANDATORY RETIREMENT AGE

Councilmember Mullen stated that he had asked for the item on the Agenda because forcing an individual to retire at age 65 was questionable. He felt that older Americans were willing to be evaluated on the same basis as younger ones and that performance should be the guide as to when they should retire. Seventeen states had abolished mandatory retirement for public employees, the House of Representatives had passed a bill prohibiting mandatory retirement in the federal sector and raised it to age 70. A number of major Texas cities had modified their retirement plans.

#### Motion

Councilmember Mullen moved that the Council instruct the City Manager to study the City's mandatory retirement age and come back in no more than 60 days with a report so that the Council could take action. Councilmember Trevino seconded the motion.

Mayor McClellan stated that she wholeheartedly endorsed the item, that that flexibility was needed and that older Americans were entitled to the same type of evaluation as any other employee.

There was discussion among the Council and an unidentified lady as to what should be done in the interim before a new policy was determined regarding people who were nearing retirement who might not wish to retire. Jimmie Flakes, Personnel Director, stated that most of the people who expected to retire in the near future had asked for an extension until after December 31, 1977. No retirements were contemplated during the next 45 days. He had a list of 14 people who expected to retire between now and April, 1978, but none of them was before December 31, 1977.


#### Roll Call on Motion

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro  
Tem Himmelblau, Councilmembers Mullen, Snell, Trevino  
Noes: None

## ADJOURNMENT

The Council adjourned at 6:40 p.m.

APPROVED

  
Mayor

ATTEST:

  
City Clerk